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THE RIGHTS OF THE PEOPLE OF KANSAS.

SPEECH

OF

PRESTON KING, OF NEW YORK,

In the Senate of the United States, March 16th, 1858,

ON THE

FRAUDS, USURPATION, AND PURPOSE, IN WHICH THE SLAVE CONSTITUTION OF
THE LECOMPTON CONVENTION HAD ITS ORIGIN.

Mr. KING. Mr. President, before the Revolution, charters were granted to the colonies by the Crown. Since then, up to this time, the people of the States of the Union have made their Constitutions for themselves. Now, for the first time since the Continental Congress declared the colonies free and independent States, the question is raised of the right of the people to adopt or reject the Constitution which is to create them a State qualified to come into the Union, one of the equal States of our Confederacy.

Kansas, brought to the door of the Senate for the purpose of having the Lecompton constitution imposed upon her people by the authority of an act of Congress, presents that question to us.

Benjamin Franklin, contemplating his country when her independence had been acknowledged and the Republic was established, is said to have expressed the wish that he might be permitted to look upon this country after the lapse of a hundred years. If the shade of that venerable man could appear here, and listen to these debates upon the proposition to add a new State from beyond the Mississippi to the Union, he would hear from the Government side calls for more troops, and arguments to show the necessity of an increase of the standing army; he would hear that the people of the State proposed to be added to the Union are a factious people; that they claim the right to vote on the adoption of their Constitution; to have the charter that defines their rights and their form of government submitted by the convention that made it to themselves, and to express their opinion of it; that in this new

State the people are unwilling to have slavery established as one of their institutions; that, although the President declares the constitution prepared for them by the Lecompton convention to be a good one, they contumaciously reply that it is not their constitution; that they complain of fraud and corruption in the officials appointed and sustained by the central Government; that they refuse to pay the taxes levied by the Legislature, alleging that they had no voice in its election, and were not represented in it; that they agitate and annoy the Government and disturb the quiet of the country by their turbulent and disorderly conduct; that they remonstrate against stuffed ballot-boxes, spurious votes, forged certificates, and false returns at their elections, and demand of the Government investigation and punishment of these offences; that they insist upon the right to decide for themselves the character of their State institutions, and refuse to accept the constitution which the Government offers to them; that they complain of the intrusion of regular troops belonging to the standing army of the Federal Government sent to maintain law and order in their Territory; that they are seditious; that they are rebels; that they have been permitted to occupy the attention of the Government and the country too long; that they must have a local government instituted over them by Congress, and be subdued by the army. He would hear some uncertain and mystical suggestions that the people of the State, when reduced to order, might possibly, at some future time, be allowed to alter their obnoxious constitution in some legal manner. I think, after listening so

far, Franklin would inquire, "is this the American Congress, and have you established a consolidated Government? Or is this the British Parliament, and have the United States been reunited to the Crown?" Upon being told that this is one of the Chambers of the American Congress, that the United States are still an independent nation, and that the words of the Federal constitution remain unchanged, he would say, "then these honorable gentlemen, who occupy the seats of legislators here, have not inherited the republicanism of my day and generation; this is not the Democracy that thundered at Bunker Hill, at Saratoga, and at Yorktown, and rang out their battle-cry of liberty and independence through all the colonies, until the royal charters were abolished, and the right of the people to institute their forms of government and to make their constitutions for themselves was acknowledged."

Mr. President, the convention held at Leecompton framed a State constitution for Kansas, and refused to submit it to the people.

The convention submitted a single provision of the constitution to the people—the question whether slaves might hereafter be imported or brought into the State; and required, as a preliminary to the right of any elector to vote for or against this single partial provision on the subject of slavery, that he should first vote for the obnoxious constitution, which contained, separate and distinct from the provision submitted, an article perpetuating slavery in the State of Kansas in the persons of those now held as slaves in the Territory, and in their posterity, forever.

A very large majority of the people were opposed to the obnoxious constitution, and refused to vote for it. Without voting for the constitution, no elector could vote for or against the single provision submitted.

It is notorious that the Leecompton convention knew the constitution it framed was repugnant to the sentiments, the opinions, and the consciences of a large majority of the people; that they condemned the instrument and the institution of slavery which it proposed to establish and perpetuate among them.

It is known to every Senator and to every Representative in Congress that a very large majority of all the qualified voters in Kansas have expressed their opinion against the Leecompton constitution at an election held under the authority of an act of their Territorial Legislature on the 4th day of January last, when the constitution was submitted, and the people rejected it by their votes.

This is the case of Kansas, as presented to the Senate by the majority of the Committee on Territories in their report and bill, which assumed that the first Territorial Legislature in Kansas was fairly and legally elected by the people, and organized, and that the Leecompton

convention was fairly elected by the people in pursuance of the law of their Territorial Legislature.

In the case thus made by the majority of the committee, the fundamental question of the right of the people of a Territory to adopt for themselves the constitution which creates them a State, preparatory to admission into the Union, is presented. The sovereign right of the people is denied, and the sovereign right of a convention of delegates affirmed. The question raised in the case of Kansas is not a question for Kansas alone. It is for every Territory hereafter to be organized, and for every State hereafter to be admitted into the Union, as well as for Kansas. It is a question of constitutional and political right of the first magnitude. Indeed, it is the question of the inherent sovereignty of the people, vital to the people inhabiting the territory now belonging to the United States, and to all which may hereafter be acquired or come within our ever-expanding borders.

It is no less vital to the people of every State now in the Union, because it is the question where sovereignty resides, whether in representatives and representative bodies, in the Federal Government, or in the people. Our existence as a republican Government rests upon the principle involved in this question.

When the sovereignty of the people is subverted or successfully denied by any representative body, or by any other power, the rights and the liberties of the people are in the hands and at the mercy of that power. The Government of the United States, inaugurated upon the principles of the Revolution of 1776, recognised the sovereignty of the States, and the sovereign right of the people of the States to frame and adopt their forms of government, and to make and to adopt their constitutions. It is a constitutional right of the people of a State, essential to its equality as one of the States of the Union, and necessary to the republican character of its constitution—a right never before denied or questioned. If those who now, in the case of the people of Kansas, deny this right, had before the day of election in November, 1856, only whispered their design to subvert this sovereign right of the people, the Administration which is now pressing upon Congress the proposition to subvert the rights of the people of Kansas, would never have come into power to make such a question. No State has ever been brought into the Union where it was denied, questioned, or doubted, that the people of the State to be admitted approved their constitution. The enabling acts, the forms of law, and the modes of proceeding on the part of the people, preparatory to their admission as States into the Union, have widely varied. I do not know that they have been exactly alike in the cases of any two States. But observance of the vital principle that all

just government derives its authority from the consent of the governed, has been the one essential thing required in all. Are the President and Congress prepared to go back to the reign of the Georges in England, and assume the prerogatives of the Crown and the unlimited power of Parliament? And are they ready to renew in this country the controversies of those days between the prerogative and power of the central Government, and the constitutional power and political rights of the people—questions supposed to have been forever settled in America by the success of the Revolution, and the adoption of the Constitution of the United States? Whatever the President may be willing to do, is Congress prepared to deny the absolute and sovereign right of the people of a new State to form and adopt their own constitution? And is Congress prepared to assume the sovereign power to impose a constitution upon the people of a new State? Congress has the power to admit new States into the Union, but it has not the constitutional power to make a constitution for a State, or to adopt one made by others, and impose it upon the people of a State.

The President possesses no such constitutional power, and cannot be invested with such authority by an act of Congress. The President who recommends such a measure to Congress, and proposes to enforce such an act upon the unwilling people of a State, is false to the high trust reposed in him by the people of all the States in the Union. It is a subversion of the rights of the States. It is consolidation. When the Federal Government shall exercise the power to impose a constitution upon the people of a State, who shall say what limitations to its power remain; what shall stay its arbitrary will; and how and where shall its tyranny be arrested? But, Mr. President, monstrous and utterly indefensible as the proposition to bring Kansas into the Union under the Lecompton constitution stands upon the case as made by the majority of the committee, dark colors are yet to be added to the true picture of violence to the constitutional principles of republican government, and of outrage against the rights of the people of Kansas.

The report of the majority of the committee does not state the facts of the case correctly. The assumption that the first Territorial Legislature of Kansas was fairly elected, and valid in law, is contradicted by record evidence. The assumption that the Lecompton convention was fairly elected by the people of Kansas, is contradicted by evidence that can be neither contradicted nor controverted. Upon these two assumptions, the majority of the committee maintain the sovereignty of a convention, and deny the sovereignty of the people.

The history of Kansas, from the beginning to the end of it, is one of fraud and violence, of wrong and outrage. Although the majority

here have refused to authorize any inquiry or investigation that would bring the facts officially before the Senate, yet they are notorious to the whole country, and they cannot be excluded from our sight. The act of Congress that organized the Territory repealed the eighth section of the act for the admission of Missouri into the Union, commonly called the Missouri compromise law—a law which excluded slavery from the Territory of Kansas. This was a breach of that faith and honor among men, which statutes can neither create nor destroy; a breach of that faith and honor between communities, which is their only strong bond of peace and friendship. Successive statutes are monuments that mark the existence and decay of faith and honor in the men who make them, and in the nations which accept them.

Under a charter for a Territorial Government, instituted by such a statute, the President appointed a Governor, Secretary, judges, marshals, and other officers, and the day was appointed for an election of members of a Legislature by the people, which would complete the organization of their Territorial Government. As the time for the election of members of the Legislature approached, four thousand nine hundred armed men, not residing in Kansas, organized for that purpose by secret lodges in the State of Missouri, passed over from that State into the Territory of Kansas, and, on the day fixed for the election of the first Territorial Legislature, seized, by force, the control at most of the precincts in the Territory, displaced by violence the judges of the election, took possession of the ballot-boxes, and excluding the citizens residing in Kansas from the polls, proceeded to stuff the ballot boxes, and in that way to designate and appoint persons to be legislators for Kansas. Incontrovertible evidence of these facts stands of record in the proceedings of the House of Representatives of the last Congress.

The invasion from Missouri was successful and complete, and the invaders, having accomplished their purpose, returned in organized bands to Missouri. The persons thus created legislators for Kansas, assembled, organized, and, assuming to be the Legislature, proceeded to pass laws for the government of the Territory, and to levy taxes upon the people. Their enactments were arbitrary and oppressive, designed to drive the people from the settlements they had made, and compel them to abandon the Territory. The people of Kansas denied the authority of this Legislature. In an evil hour, the President of the United States recognised this usurpation as the Government of Kansas, and large bodies of Federal troops have been stationed in the Territory to overawe the people by their presence and to enforce the authority thus nefariously imposed upon them.

The call for the Lecompton convention was

made by this usurpation, and upon its submission to the people less than twenty-three hundred persons responded. The large majority of the people denied its authority and refused to vote on the call for the convention, or at the subsequent election for delegates. Sufficient reasons existed for their refusal to vote; they would not acknowledge the authority of the usurpation. For the election of delegates, an act for the registry of voters had been passed, and the people in many of the counties were disfranchised by the omission on the part of the registry officers to register the voters. In these counties, no places were appointed for holding the elections, and none could be held, and no delegates could be elected. In the counties where registries were made, they were partial, omitting large numbers of the qualified voters. The people of the Territory reasonably apprehended that, without regard to the number of votes which might be deposited in the ballot-boxes by the electors, the inspectors and returning officers of the election would, by false certificates, return, as elected, men for their own purposes, and not the men who would receive the votes of the electors.

The origin and proceedings of the Territorial authorities fully justified this apprehension. At the election under their authority in October last, to continue the Missouri usurpation, in the election of a new Legislature, although the original invaders did not reappear, sixteen hundred spurious and fictitious votes were returned by the inspectors of election upon false certificates, from a single poll, the Oxford precinct, in Johnson county. One of the officers of the election at the Oxford precinct—the very man, it is said, who manufactured the false certificate returning the sixteen hundred fraudulent votes—was one of the secretaries of the Lecompton convention. One thousand fraudulent votes at the same election were returned from McGee county, and more or less from various precincts, sufficient to decide the elections without regard to the votes of the electors. The returns of the election were in accordance with the wishes of the usurpation, and not in accordance with the votes of the electors. President Buchanan, with the concurrence of his Cabinet, in their official instructions to Governor Walker, gave express and positive assurances to the people of Kansas, that the constitution, preparatory to their becoming a State, should be submitted to a fair vote of the people, to be adopted or rejected by them.

Governor Walker, in his official communications to the people, repeated and affirmed these assurances. The candidates proposed for delegates to the Lecompton convention—afterwards returned as delegates—before the election voluntarily pledged themselves to the public, verbally and in writing, that the constitution the convention might frame for Kan-

sas should be submitted to a vote of the people. The Governor of the Territory, invested with authority by the President of the United States, proclaimed to the people of Kansas, that, at an election, to be held with security against fraud or violence at the polls, and against false certificates by the returning officers, a fair opportunity should be afforded to all the qualified voters to vote; and that a majority of the votes of the people should determine the adoption or rejection of the constitution; that his official reports to the President and Congress, and his action for or against the constitution, should be governed by the vote of the majority at such an election. Governor Walker adhered to his declarations; he rejected the false certificates returning the spurious and fictitious votes in Johnson and McGee counties for members of the Legislature, and persisted in requiring that the constitution of the Lecompton convention should be submitted to a vote of the people. For this he fell under the displeasure of the President, and repaired to Washington to make explanations and represent the condition of affairs in the Territory. He failed to satisfy the President and his Cabinet, or to induce them to fulfil the assurances which had been given to the people of Kansas, that they should have an opportunity to vote on the adoption of their State constitution. Governor Walker is reported to have said that he went with the Administration to the gates of the penitentiary, in this business, and he would go no further. He had left the Territory; he declined to return to it, and resigned his commission.

Secretary Stanton, who went to the Territory by the appointment and as a friend of President Buchanan, became acting Governor by the resignation of Governor Walker. Upon assuming the executive power, Mr. Stanton refused to sustain the frauds by which the usurpation designed to perpetuate its power, and persisted, as Governor Walker had done, in requiring that the constitution of the Lecompton convention should be submitted, for adoption or rejection, to a vote of the people; whereupon, he was summarily removed by the President, and General Denver, a bureau officer of the Administration in Washington, was appointed, first Secretary, and then Governor. It is this last Governor of Kansas, General Denver, who has certified the votes of the people of Kansas at the election authorized by the law of their new Territorial Legislature, and held on the 4th day of January last, in which the vote of the people is nearly unanimous, and the majority more than ten thousand against the Lecompton constitution. The Lecompton constitution is not the constitution of the people of Kansas. It is an instrument of the Lecompton convention and the Federal Administration, and is stained with false pretences and fraud from the beginning to the end. To impose this instrument upon the

people of Kansas as their constitution, by an act of Congress, would outrage justice and truth. It would be a violation of the Federal Constitution, by the exercise of power neither granted to the Federal Government nor remotely hinted at in the Constitution. It would be an act of tyranny. It is a mockery of State sovereignty, in the report of the majority of the Committee on Territories, to call the proposition they make to the Senate an act for the admission of the State of Kansas.

The question is not that of the *admission* of Kansas; an act of admission implies at the least the concurrence of the party to be admitted. The proposition before the Senate, whatever may be the name and style given by the majority of the Committee on Territories to their bill, is no question of the *admission* of Kansas. It is the monstrous proposition to impose upon the people of the Territory of Kansas a constitution and form of government known to be obnoxious to a very large majority of that people, accompanied by every indication on the part of the Federal Administration of a disposition to compel the submission of the people of the State by the power of the Federal Government. To call such attempted coercion an admission of the State of Kansas, is to deride the sovereignty of the people of the State. I repeat, this is no question of the admission of a State. It is one of a series of acts in the scheme conceived by the nullifiers who have obtained thorough control of the organization of the Democratic party, to change the constitution of the United States by the judicial construction and decisions of the Federal courts, and to subvert our free form of government. Whether a settled plan and a combination exist to provoke disturbances with a view to a dissolution of the Union, time will fully disclose. There should be no fear of the full development of any such scheme, no matter by whom the idea may be entertained, and no matter who may be concerned in it. The American citizen who would fear it has little of the spirit which animated the men who fought the battles of the Revolution, and established the independence, the liberties, and the union of our common country.

The wild schemes of men long accustomed to wield the power of a disciplined party organization are not always guided by reason. To inquire into the desperate conceits of mad ambition, and to direct the public attention to them, is to dissipate them. The Hartford convention, held under the auspices of the Federal party, was suspected of entertaining the idea of dissolving the Union in certain contingencies. This suspicion, whether well or ill founded, excited the jealousy of all the friends of this country. It exasperated the prejudices and hostility of the Republicans of that day, and completed the full weight of accusation against the Federal party, already loaded with

the alien law, the sedition act, the stamp act, the midnight judges, and the standing army. The power of that once proud and patriotic party, which, at an early day, had borne the heat and burden of the political contest that adopted the Constitution and established the Union of the States, gave way, and was destroyed forever. The word "Federal," as the name of a party, became so odious in the popular ear, that no party, for a great many years, has claimed or would accept it. The Nashville convention, held under the auspices of the Democratic party, at a more recent day, flaunted its proclamations and purposes of a dissolution of the Union; but the Nashville convention was believed to be a humbug. I remember to have heard a distinguished citizen of Tennessee, at the time, speak of that body. He said that but very few of the citizens of Tennessee had anything to do with it; its members were mostly from a distance, and strangers in that State; "and," said he, "if the convention should do any act by which the people of Tennessee should come to believe it menaced the safety of the Union, it would become so weak that its members could be driven out of the city of Nashville by the women of that town, with no other weapons than their broomsticks." This convention, although held only eight years ago, has less lodgment in the memory of the country than the Hartford convention, which was held more than forty years ago. All remember the abortive treason of Burr; and the movements for nullification in South Carolina, in 1832, dissipated by the pen of General Jackson, whose proclamation at the time invoked a demonstration of devotion to the Union from the people of every one of the United States.

Recollections of the conventions at Hartford and at Nashville remind us that the idea of dissolving the Union has been imputed to some and entertained by others in this country. I have never believed that the people of any State of the Union favored it; although it has become too common to talk of it in the Halls of Congress, and to pass resolutions on that subject in party conventions and State Legislatures.

For the purpose of extending slavery into Kansas, a great wrong has been committed against the principles of republican government, and against the rights of the people of that Territory. Let the Federal Government retrace its steps; restore the Administration to the principles and practices of Washington and Jefferson; abandon the Leecompton constitution; withdraw the troops from Kansas; permit the people to make a constitution for themselves; admit the State into the Union as every other State has been admitted, in the constitutional manner in which her people desire to come, and the wrong which has been done, great as it is, may be forgiven. The

country would be at peace; and, in rejoicing over the return of the Government to reason, might forget the past.

Persist in accomplishing the object for which so much has been ventured by the present Administration and the one which last preceded it—attempt to force the Lecompton constitution upon the people of Kansas by the authority of an act of Congress and the power of the Federal army—and you will have insubordination, resistance, bloodshed, civil war. The people of Kansas will never consent to have slavery established among them; they will never accept the Lecompton constitution; they have already rejected it. In such an issue of blood between the Federal army and the people of Kansas, the Government will be wrong, and the people of Kansas will be right. Will the people of the States remain spectators of the conflict? They will not. The people of Kansas are the countrymen and the kindred of the people of the States. Your law opening the Territory for settlement invited them to go there. Let the Federal army spill American blood in Kansas, and you kindle a fire which the Federal Government and its army cannot extinguish.

Who, Mr. President, is responsible for the long series of wrongs out of which these troubles come? And who can be held accountable to the country for the pernicious acts occurring during so large a space of time, performed in so many places, and participated in by so many and various persons, for two successive administrations of the Government?

Plan, system, design, moving and directing the action of all the varied agencies to a common end and object, are now plainly visible, from the act repealing the Missouri compromise to the bill before us, which proposes to impose the slave constitution of the Lecompton convention upon the people of Kansas.

The act of Congress that repealed the Missouri compromise; the course of President Pierce, stimulated to be a candidate for re-nomination, and persuaded to rely upon the authors of this scheme for his success; the institution of the blue lodges in the State of Missouri; the resignation of office by the President of this Senate, who went straight from the Capitol in Washington to organize in those lodges, on the borders of Missouri, the armed invasion of Kansas; the march from that State of forty-nine hundred armed men, not residents of Kansas, organized in companies and detachments, to the places for holding the elections in that Territory; their seizure of the polls on the day of the election, and their appointment of legislators for Kansas by force and usurpation; the recognition of that usurpation as the Government of Kansas by the administration of General Pierce; the odious and oppressive laws they enacted; the indictments for treason against the usurpation in the Federal courts of

the Territory, which were never tried; the total prostration of the rights of franchise in elections; the repeated removal of Governors who refused or failed to sustain the proceedings of the usurpers; the decision of the Supreme Court of the United States in the case of Dred Scott; the Lecompton convention and its constitution, with the faithless assurances to the people of Kansas that the constitution for their State should be submitted to their vote for adoption or rejection; the quartering large bodies of Federal troops in Kansas; the election of State officers ordered by the Lecompton convention, appointing the president of the convention (Mr. Calhoun) sole judge of the elections; the false and fraudulent returns of votes at that election, now and for nearly three months in the possession of Mr. Calhoun, and his refusal to decide who were elected until Congress shall have acted on the constitution; and the bill now here to impose the Lecompton constitution upon the people of Kansas—are all parts of one continued plan and design. Those who have performed the various parts are responsible and accountable in their several degrees for what they have done; but they have been mere agencies of the power that controlled and directed their action. That power is the national organization of the Democratic party, and it is responsible for the long series of outrage, and for the great wrong which the bill before us proposes to consummate. The organization of the Democratic party has fallen irremediably under the control of nullifiers and slave propagandists, many of whom, in all the States, but especially in the slave States, were, until very recently, the open enemies of the Democratic party, virulent denouncers of General Jackson and the measures of his administration; men who have not now, and never did have, a drop of Democratic blood in their veins. The organization of the Democratic party, controlled by the counsels of such advisers, has abandoned its principles and its trust. Public meetings and conventions of veteran Democrats remonstrate in vain. Why is there any apprehension that the Lecompton constitution will be adopted by Congress, and the attempt be made to force it upon the people of Kansas? Many of the Democratic members of the Senate and House of Representatives abhor the Lecompton constitution and detest its frauds.

Is there a man in or out of Congress who doubts for a moment that the Lecompton constitution would be rejected by Congress, if the Democratic party did not demand its adoption? The severest discipline of party, the most indecent dispensation of executive patronage, are made use of to influence the action and control the independence of Congress.

In this dark hour, when the Republic is in danger, I hail the coming day of emancipation from servile obedience to party, heralded in

this Chamber by the independence of the distinguished and fearless Senators on the Democratic side of the Senate, from Illinois, from Michigan, and from California, upon whose limbs the bands of the Democratic party that would bind them to Lecompton are like the green withes of Delilah upon the limbs of the unshorn Samson. I hail, too, the hosts of thousands and tens of thousands of honest Democrats, who, all over the country, at this moment are renouncing the long-cherished party name of Democrat, because it has become tainted with treason to the rights of the people, and are rallying under anti-Lecompton banners, to resist the Administration and the faithless organization of the Democratic party. Let us all be anti-Lecompton men; let us all be Republicans; let us fraternize and overcome the enemies of public liberty.

The Whig party is gone forever, because, in the hour of its responsibility, it failed in the courage and firmness required for the high trust committed to its charge.

Noble as have been the achievements of the Democratic party while it adhered to its principles, when it has become faithless to the rights and liberties of the people, its organization must be dissolved.

The honest Democracy of the country—its real Democracy—buried deep the name of the Federal party. They will consign the tainted party name of Democrat to the same grave; and they will make the grave deep and large enough to hold all the treason that dare show itself within the boundaries of the Union.

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